

AMENDED IN ASSEMBLY APRIL 10, 2003

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

No. 1301

---

---

**Introduced by Assembly Member Simitian**

February 21, 2003

---

---

An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1301, as amended, Simitian. Alcoholic beverages and controlled substances: minors.

The Alcoholic Beverage Control Act prohibits the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, persons under the age of 21 years. A violation of these requirements is a misdemeanor.

This bill would provide that a parent, *responsible adult relative, or legal guardian* who knowingly permits his or her child or one or more other persons in the company of the child, who are under the age of ~~21~~ 18 years, to consume an alcoholic beverage or use a controlled substance at the home of the parent, *responsible adult relative, or legal guardian* is guilty of a misdemeanor if the child or other underage person, after leaving the ~~parent's~~ *home of the parent, responsible adult relative, or legal guardian*, drives a vehicle while he or she has a blood-alcohol concentration of 0.01% or greater, or is under the influence of a controlled substance and is involved in a traffic collision.

Because a violation of this provision would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25658.2 is added to the Business and  
2 Professions Code, to read:

3 25658.2. (a) Every parent, *responsible adult relative, or*  
4 *legal guardian* who knowingly permits his or her child or one or  
5 more other persons in the company of the child, who are under the  
6 age of ~~24~~ 18 years, to consume an alcoholic beverage or use a  
7 controlled substance at the home of the parent, *responsible adult*  
8 *relative, or legal guardian* is guilty of a misdemeanor if the child  
9 or other underage person, after leaving the parent's, *responsible*  
10 *adult relative's, or legal guardian's* home, drives a vehicle while  
11 he or she has a blood-alcohol concentration of 0.01 percent or  
12 greater, as measured by a preliminary alcohol screening test or  
13 other chemical test, or is under the influence of a controlled  
14 substance and is involved in a traffic collision.

15 (b) (1) Any person who violates subdivision (a) shall be  
16 punished by imprisonment in a county jail for a minimum term of  
17 six months not to exceed one year, by a fine not exceeding one  
18 thousand dollars (\$1,000), or by both imprisonment and fine.

19 (2) The penalties provided in paragraph (1) shall be in addition  
20 to any penalties imposed for *any other crime, including for a*  
21 violation of Section 25658.

22 SEC. 2. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

O

